

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS No. 714 OF 2006.
IN

EXECUTION APPLICATION No. 380 of 2004.

IN

CASE No. CC/IV/101 of 1996.

Shivshakti Industrial Premises.. ..Disputants.

Versus.

Mr. Mohan K. Bhavbnani.

..Opponent.

And

Commissioner for taking Accounts. ..Respondent.

Ms. S. Joshi for Disputant.

Mr. G. T. Meshta Commissioner for taking
accounts present.

Mr. M. K. Bhavnani opponent present in person.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th JUNE,2006.

P.C.:-

1] Heard Ms. Joshi appearing for the
disputant and the opponent who is present in person
as also the Court Commissioner for taking accounts.

2] The opponent states that the Award dated
12th June, 1998 directs payment of sum of
Rs.11,64,422/- towards the society charges.

3] In his submission, this amount consist of
several components but it is his desire to clear
arrears of maintenance and for that purpose as also

to show his bona-fides he prays that sale proclamation may not be issued for a period of six weeks from today. He makes statement that within this period he will pay or deposit a substantial amount under the decretal claim.

4] The Chamber Summons seeks direction to the Commissioner to issue proclamation for sale of the immovable and movable properties of the opponents attached in execution of the decree on 7.12.2004. Now, the proceedings before the D.R.T. are concluded. Therefore, the properties under attachment should be sold and from the sale proceeds decretal claim should be paid over.

5] After hearing both sides and considering that an opportunity is sought by the opponent/ judgment debtor, the Commissioner not to take steps to issue the sale proclamation for a period of eight weeks from today. Needless to state that within this period it would be open for the opponent to deposit any substantial amount and seek appropriate reliefs from this Court. In this Chamber Summons, the disputant seeks limited relief and it is not possible for me to mark the decree satisfied or pass any other order on the plea raised by the opponent.

6] The Chamber Summons is disposed with the

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above direction. Decree holder in the meanwhile to
get the warrant of attachment extended.

(S.C.DHARMADHIKARI,J.)